

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: **: Chapter 13**
Jones, Jr., James M.

Debtors/ Respondents : 15-12363 amc

**Answer to Motion of
For Relief from Automatic Stay**

Debtor, James M. Jones, Jr., by and through his undersigned attorney, hereby provides the following answers to the Motion for Relief from Stay filed by **DITECH FINANCIAL LLC**. These responses are made without prejudice to debtor's right to present additional facts or contentions at trial based upon information hereinafter obtained or evaluated. Debtor specifically reserves the right to supplement or amend his responses or present additional facts and contentions at a later date to any of the answers given.

1. Denied. The allegation contained herein are directed to a party other than the answering debtor, and they are denied as no response is required.

2. Admitted in part. It is admitted that Debtors, JAMES M. JONES, JR AND NAILA A MATTISON-JONES (Non- Filing Co-Debtor) are the owners of the premises located at **314 RICHFIELD RD, UPPER DARBY, PA 19082**. **The remaining** averments contained in this Paragraph consist of mischaracterization or summarization of documents that speak for themselves and they are denied as no response is required.

3. Denied. The averments contained in this Paragraph consist of mischaracterization or summarization of documents that speak for themselves and they are denied as no response is required.

4. Denied. Strict proof is hereby demanded.

5. Denied. The allegation contained herein are directed to a party other than the answering debtor, and they are denied as no response is required.

6. Denied as stated. The filing of a bankruptcy petition immediately puts into effect the automatic stay, which prevents creditors from taking any further actions against the debtor or the debtor's property with respect to claims arising prior to commencement of the case. See 11 U.S.C. Section 362. By way of further answer, the allegation contained herein are directed to a party other than the answering debtor, and they are denied as no response is required. Proof thereof is demanded.

7. Denied. Proof thereof is demanded. The averments contained in this Paragraph consist of mischaracterization or summarization of documents that speak for

themselves and they are denied as no response is required. The allegation is a legal conclusion of law to which no answer is required.

8. Denied. The allegation contained herein are directed to a party other than the answering debtor, and they are denied as no response is required.

9. Denied. Any request for costs and legal fees in excess of \$400, is excessive. The pleading in this motion for relief is identical and/or similar, with other motions for relief filed which request only \$400 for legal fees and costs. There is no stated or apparent reason or justification for any higher request. See In Re: B & K Brady Bk No. 03-18198 DWS (Request \$400) or In Re: E.Frisby Bk. No. 03-31127 DWS (Request \$400).

10. Denied. The allegation is a legal conclusion of law to which no answer is required.

11. Denied. The allegation contained herein are directed to a party other than the answering debtor, and they are denied as no response is required.

12. Denied. Federal Bankruptcy Rule 4001(a)(3) states "*Stay of Order. An order granting a motion for relief from an automatic stay made in accordance with Rule 4001(a)(1) is stayed until the expiration of 10 days after the entry of the order, unless the court orders otherwise.*" Rule 4001(a)(3) is one of the few protections left for the debtor's from unscrupulous creditors that would seize the debtor's property prior to the debtor or debtor's counsel being served notice of said Order to the contrary or otherwise.

13. Denied. The allegation is a legal conclusion of law to which no answer is required.

For the reasons set forth above, among others, and based on this Court's authority under the Bankruptcy Code, the Debtor prays that the motion be denied and such other relief as is just and proper. The Debtor specifically reserves the right to supplement the answer at or prior to the hearing thereon.

Dated: December 1, 2017

/s/ Mitchell J. Prince
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